

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION**

Jacob Baker,)	
)	
Plaintiff,)	Civil Action No. 6:16-03522-JMC
)	
v.)	ORDER
)	
Federal Election Commission,)	
Hillary Clinton,)	
Donald Trump,)	
Greenville County,)	
Greenville, S.C. Court of Common Pleas,)	
)	
Defendants.)	
_____)	

This matter is before the court pursuant to Magistrate Judge Jacquelyn D. Austin's Report and Recommendation recommending that Plaintiff's Complaint be summarily dismissed *without prejudice* and without issuance and service of process. (ECF No. 25.)

I. PROCEDURAL BACKGROUND

On October 28, 2016, Plaintiff filed his Complaint with this court against the captioned Defendants. (ECF No. 1.) Plaintiff alleges that that he should have had the job of President of the United States for two terms, that he should have been able to attend the presidential debates, and requests \$900,000.00. (ECF No. 1.)

On January 19th, 2017, Magistrate Judge Jacquelyn D. Austin filed her Report and Recommendation (ECF No. 25), recommending that Plaintiff's Complaint be summarily dismissed *without prejudice* and without issuance and service of process.

The Magistrate Judge informed the parties of their right to object and Plaintiff filed timely objections on February 6, 2017. (ECF No. 27.)

II. LEGAL STANDARD AND ANALYSIS

Plaintiff is a *pro se* litigant and his complaint is afforded liberal construction so as to give him an opportunity to have a claim stated where his alleged facts would merit one. *Erickson v. Pardus*, 551 U.S. 89, 94 (2014) (per curiam). A *pro se* complaint, regardless of how inartfully pled, must be held to less stringent standards than formal pleadings drafted by lawyers. *Estelle v. Gamble*, 429 U.S. 97, 111 (1976). The court should analyze a complaint under the assumption that all of the allegations are true. *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007). Therefore, if the court can reasonably read the pleadings to state a valid claim on which a plaintiff could prevail, it should do so.

However, the requirement for liberal construction does not allow a court to ignore a clear failure to allege facts that set forth a valid claim currently cognizable in a federal district court. *Weller v. Dep't of Soc. Servs.*, 901 F.2d 387, 390-91 (4th Cir. 1990.)

The Magistrate Judge's Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court, which has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objections are made.

Here, The Magistrate Judge recommends that Plaintiff's Complaint be dismissed for failure to comply with this court's Proper Form Order entered on November 7, 2016, by failing to submit proposed service documents. Upon the court's review of Plaintiff's objection there has not been any specific objections made to the Magistrate Judge's Report and Recommendation. (ECF No. 25 & 27.) Plaintiff's objections are letters that simply restate portions of various

Supreme Court rules, United States Code Annotated sections, sections from the American Jurisprudence and the Federal Rules of Civil Procedure without specifically addressing the Magistrate Judge's Report and Recommendation. (ECF No. 27 at 1-5.)

Plaintiff has therefore failed to make objections sufficiently specific to his defects under the Magistrate Judge's Report and Recommendation, and therefore does not warrant *de novo* review of this case pursuant to Rule 72(b)(3) of the Federal Rules of Civil Procedure. Plaintiff is only entitled to clear error review under *Diamond v. Colonial Life & Accident Ins. Co.* 416 F.3d 310, 314. Here, the Magistrate Judge's Report and Recommendation contains no clear error.

III. CONCLUSION

For the foregoing reasons the Magistrate Judge's Report and Recommendation is **ADOPTED** (ECF No. 25), Plaintiff's Complaint is **DISMISSED** *without prejudice* and without issuance and service of process (ECF No. 1), and Plaintiff's pending Motion for Relief pursuant to Rule 50(c) is **DENIED AS MOOT**. (ECF No. 13.)

IT IS SO ORDERED.



United States District Judge

July 31, 2017
Columbia, South Carolina